REMARKS

In response to the Office Action mailed on August 8, 2006, Applicant(s) respectfully request(s) reconsideration.

Claim(s) 1, 3, 8, 10, 15, 17 22, 24 and 33-42 are now pending in this Application. In this Amendment, claim(s) 1, 8, 15 and 35 have been amended and claim(s) 3, 10 and 17 have been cancelled.

Claim(s) 1, 8, 15, 22 and 41 are independent claims and the remaining claims are dependent claims. Applicant(s) believe that the claim(s) as presented are in condition for allowance. A notice to this affect is respectfully requested.

Rejection under 35 U.S.C. §112:

Claims 1, 3, 8, 10, 15, 17, 33, 34, 37-39 and 42 have been rejected under 35 U.S.C. §112. With respect to independent claims 1, 8 and 15, the amended language "hibernating the donor process in a sleep state while the allocated memory remains accessible to other processes" is disclosed at page 9, lines 24-page 10, lines 6, as cited in the previous office action, not at page 10:20-26 as sought by the Office Action. This segment recites, inter alia, that "while the donor process waits it sleeps and executes no further program instructions." Further clarification on this limitation may be found immediately following at 10:8-10, which recites "that the requested memory has been allocated and is available for use by the consumer process." Accordingly, it is submitted that the rejection under 35 U.S.C. §112 has been overcome and it is respectfully requested that it be withdrawn.

Rejection under 35 U.S.C. §103 based on Wagner, U.S. Patent No. 5,940,868 in view of Reneris, U.S. Patent No. 6,209,088:

Claims 1, 3, 8, 10, 15, 17,22 24 and 33-42 have been rejected under 35 U.S.C. §103(a) as being obvious over Wagner '868 in view of Reneris '088. Specifically, the Office Action rejects claims 1, 8 and 15 based on Wagner '868 in view of Reneris, U.S. Patent # 6,209,088. Reneris, however, is inapplicable to

the present case because Reneris teaches hibernation of an entire system for reboot measures, not selective hibernation of some processes for memory conservation so that others may continue unimpeded with memory requests. In further detail, Reneris does not show, teach, or disclose, alone or in combination, "hibernating the donor process in a sleep state while the allocated memory remains accessible to other processes", as claimed in claims 1, 8 and 15. In Reneris, the memory obtained on behalf of the hibernated process are discarded because it is "not needed after the hibernation process or during the subsequent awaken process" (col. 9, lines 26-28). Further, this so-called "hibernate working memory" is not made accessible to other processes because it is not maintained or saved during the hibernation (col. 9, lines 33-34).

Accordingly, one skilled in the art would not look top Reneris to modify Wagner because Reneris is performing a system-wide hibernation of all processes on a system for avoiding an OS reboot (col. 2, lines 37-42), not hibernation of specific processes for memory management and conservation. The Reneris system is only operative on a complete shutdown, applicable to the system as a whole (col. 10, lines 32-38), and does not operate on only a subset of processes because to do so would not enable the reboot following graceful termination via shutdown.

Further, the Reneris hibernation does not benefit particular processes by bestowing the hibernated process's memory upon other processes. Memory freed by hibernation is identified as memory which need not be restored upon reboot (col. 9, lines 32-34), not memory designated as available for use by another specific process. Figs. 9 and 10 show remapping of saved pages, and relinquishing of unsaved pages, performed upon reboot. The Reneris '088 hibernation, therefore, allocates hibernate-saved memory TO THE SAME PROCESS upon reboot, it does not redesignate or earmark memory for use BY ANOTHER PROCESS, as described at col. 13, lines 47-60. Therefore, to apply the Reneris hibernation mapping to Wagner would render an inoperative configuration as the memory management of Wagner, including a page array

and/or PID array, would need to recognize the saved pages in the memory image 244 of Reneris. Further still, such an attempted combination would still not realized the claimed invention because there is no showing, teaching or suggestion of "hibernating the donor process in a sleep state while the allocated memory remains accessible to other processes" as recited in claims 1, 8 and 15.

The Reneris '088 memory management does not show, teach or disclose, alone or in combination, a hibernating process contributing or donating memory to another particular process. Reneris '088, therefore, makes no distinction of a donor process (hibernating process) that donates memory to a consumer process benefiting from the memory. Accordingly, Claim 1 has been herein amended with the subject matter of claim 3, to further clarify the distinction of a specific donor process in receipt of the allocated memory attributed to the hibernating donor process. Claims 8 and 15 have been similarly amended. Accordingly, claims 1, 8 and 15 are respectfully submitted as allowable.

The Reneris '088 hibernation involves disabling interrupts for hibernating processes and saving the process context in the selected saved pages discussed above, as described at col. 10, lines 32-45. In contrast, the claimed hibernation entails an idle state not executing program instructions. Accordingly, claims 1, 8 and 15 have been herein amended to recite that the donor process hibernates in an idle state not executing program instructions, to still further clarify and distinguish applicant's claimed invention.

Claims 22 and 42 recite the distinguishing features of the donor process and the consumer process, and are therefore deemed allowable for the reasons discussed above with respect to claim 1.

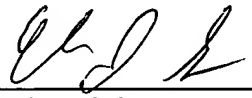
As the remaining claims depend, either directly or indirectly, from claims 1, 8, 15, 22 and 42, which by the foregoing are deemed allowable, it is respectfully submitted that all claims are now in condition for allowance.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this

response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



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